

Group I: Claims 1-3 and 11-16, drawn to a product comprising metformin and glipizide.

Group II: Claims 4-10, drawn to a process of treating type 2 diabetes with said product.

In the Office Action, the Examiner has stated that the inventions are allegedly distinct and the search required for Group I is not required for Group II. Applicants respectfully submit that only one search would be required for the invention as claimed because the only use for a combination metformin and glipizide product is treatment of Type 2 diabetes. A combination metformin and glipizide product would not be used to treat any other disease except Type 2 diabetes. For that reason, it would impossible to carry out separate searches for the claims of Group I and II. Applicants therefore believe that the inventions are not distinct.

Applicants respectfully submit that the reasons offered by the Examiner are not sufficient to support a conclusion that the inventions are patentably distinct nor that a serious burden is placed on the Examiner if the restriction is not required. Accordingly, Applicants believe that the restriction is improper and respectfully request withdrawal of the restriction requirement.

In view of the foregoing, Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited.

Respectfully submitted,

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